

CONCERNING ADJOURNMENT

(From Saturday's Advertiser.)

Both Houses of the Legislature are ready to adjourn—and the Governor holds them in the hollow of his hand. The two Houses yesterday finished up work on the appropriation bills, for the passage of which measure they were called in extra session. The bills are now in the hands of the Governor, and he has not yet begun to consider them. He has ten days, under the law, in which he can consider them. That is, he is bound by law neither to sign nor veto before ten days have expired.

Now, of course, the Legislature need not wait for the Governor to act on the appropriation bills. There is no power on earth that will prevent the two Houses adjourning, if they agree mutually that they will adjourn. But if they do adjourn, and leave the bills in the hands of the Governor still unacted upon, they will precipitate a condition of something approaching chaos. The authorities are divided upon the point as to whether the Governor can sign an appropriation bill after the Legislature has adjourned. He certainly cannot veto one. There is no body to send the veto to. Maybe he need neither sign nor veto, in that event, the bill dying by the pocket veto. It is claimed by a few statesmen that, having passed the appropriation bills, the Legislature has done that for which it was called together and is now at liberty to go home. But is a bill passed by the Legislature until the Governor has acted upon it? It certainly isn't law.

"Of course we cannot adjourn until the Governor has indicated what he proposes to do with the appropriation bills," said President Isenberg of the Senate. "If he wants to hold us here for ten days, I suppose we must stay. Still, he may send us the bills by Monday. It is nonsense to talk of adjournment until the Governor has acted."

This was said immediately after the visit of the House committee to notify the Senate that it was ready to adjourn without day yesterday. The visit came after the Senate had adjourned for the day, and so the notification was not officially delivered.

Sensors Paris, Dowsett, and several others agreed with the President as to the inexpediency of adjournment before hearing from the Governor. In fact, few of the Senators believed the Legislature could get away earlier than next week.

"The House is ready to adjourn now," said Speaker Knudsen. "I do not know when we will adjourn, but I should say early next week. Most of the Maui and Hawaii members would like to get away on the Kinau, sailing on Tuesday. But if the Governor concludes to hold us, possibly they will not be able to get away until the following Tuesday."

"Oh, no; I do not think we will get into any mischief by staying. The House has not shown itself to be a mischievous body in the twenty-one days of the extra session."

"The House will adjourn to-morrow," said Representative W. W. Harris last night, "unless there is a reconsideration of the militia appropriation bill. No; I do not believe the Senate will adjourn."

EXCLUSION TO EXCLUDE

(From Saturday's Advertiser.)

A decision recently delivered by the Supreme Court of the United States has put an end, once and for all, to the attempts of Chinese seeking to enter the United States having resort to writ of habeas corpus in the United States courts after they have been turned down by the Department officials.

The decision, written by Justice Holmes, was given in the case of the United States vs. Ju Toy, claiming to be a citizen of the United States, appealed from the Circuit Court of Appeals of the Ninth Circuit. The defendant in the case, Ju Toy, was refused landing at San Francisco, by the Commissioner of Immigration, and appealed to the Department at Washington. According to the decision of the court, he exhausted his legal rights in that appeal. Even if he were a citizen, he could only ask a determination of a case wherein he felt himself aggrieved by a proper tribunal, and the Supreme Court holds that he had that before he sued out the writ in the court. In other words, the ruling of the Department was final. In summing up the case, Justice Holmes says:

"In view of the cases which we have cited it seems no longer open to discuss the question propounded as a new one. Therefore we do not analyze the nature of the right of a person presenting himself at the frontier for admission. In re Ross, 140 U. S. 453, 464. But it is not improper to add a few words. The petitioner, although physically within our boundaries, is to be regarded as if he had been stopped at the limit of our jurisdiction and kept there while his right to enter was under debate. If, for the purpose of argument, we assume that the Fifth Amendment applies to him and that to deny entrance to a citizen is to deprive him of liberty, we nevertheless are of opinion that with regard to him due process of law does not require a judicial trial. That is the result of the cases which we have cited and the almost necessary result of the power of Congress to pass exclusion laws."

Justices Brewer, Peckham and Day dissented from this opinion, and Brewer wrote a long dissenting opinion, but the ruling of the majority of the court makes the Chinese exclusion law, for

the first time since its passage, a law that really excludes. Thousands of Chinese, in times past, have secured entrance into the United States by suing out writs of habeas corpus in the Federal courts. And there has heretofore seemed no way to stop this practice.

The decision will have great interest to Chinese in Hawaii, too. There are many Chinese here who are citizens, and who will now know for the first time that they must always be prepared to establish their citizenship should they ever go abroad and wish to return—and that there will be only one tribunal for their appeal.

POEPOE AT THE HEAD

(From Sunday's Advertiser.)

The Democratic-Home Rule ticket is as follows:

- Sheriff, J. M. Poepeo (H. R.);
- Deputy Sheriff (Honolulu), D. Kahaleaahu (Dem.); Supervisor at Large, A. Fernandez (Dem.); Supervisors for Honolulu, H. T. Moore (Dem.); J. A. Akina (H. R.); D. M. Kuphea (H. R.); County Clerk, B. N. Kahalepuna (Dem.); County Attorney, E. M. Watson (Dem.); Treasurer, R. H. Trent (Dem.); Auditor, J. P. Makinai (Dem.).

With the naming of J. M. Poepeo to run as sheriff on a fusion ticket of the Democrats and Home Rulers, the Democratic County Convention came to a close last night. The principal thing done was to endorse the action of the joint Democratic and Home Rule committee which had agreed upon the essential points of fusion during the day and evening.

A turbulent spirit was manifested all through the meeting and Democrats, generally, seemed to regard the ticket proposed as about the weakest political thing that had ever been born. Several Democrats arose to say that they had been jobbed by the Home Rulers in getting places on the county ticket, and also that the best material in the Democratic ranks had refused to run for office. Both features had contributed to a weak ticket.

At one stage of the proceedings Chairman Turrill was abused for having cast, as a member of the joint committee, the deciding vote in favor of a Home Rule candidate for Supervisor—Akina—as against Effinger, a Democrat. But this was explained away by a member of the committee, who upheld the entire committee action with the statement that in a previous vote the chairman had voted against the Home Rulers. Then McClanahan, forgetful of his humble position as a delegate, arose, took the gavel, metaphorically, out of Turrill's hands and put a motion to the convention himself. This action all but started a small-sized run for the doors.

A full account of the convention will appear in Monday's paper.

COUNTY ACT IS HAMMERED BY HIGHTON

Before the Supreme Court yesterday the County Act test case was started on argument. Henry E. Highton, after some preliminary doings, went at the enactment hammer and tongs. He elaborated some of the main propositions in the complaint of W. R. Castle and held the forum until noon, when the hearing was continued until 10 o'clock Monday.

M. F. Prosser, Deputy, represents the Attorney General along with Henry E. Cooper, a member of the County Act Commission, in the official defense of the Act.

A. G. M. Robertson, at the opening of the session, announced that he also appeared for the Act, having been retained by J. C. Quinn, a candidate for election as county supervisor. He wanted the hearing deferred to give him time for preparation.

Former Judge Gear also put in an appearance as amicus curia for certain persons and joined in the request for a continuance, saying he desired to raise the question of the court's jurisdiction.

Ecuador has given the nuns in the country the option of retiring to public hospitals, where they will be cared for at the expense of the cities and towns, or of leaving the country. In the event that they decide to leave the country they will receive an indemnity of about \$2,400 in gold each. The convents and other property are being confiscated.

Black diamonds are found chiefly in the bed of the San Jose river. It was there the first of them was discovered in 1858—a stone of 10,000 carats, which today would be worth an enormous sum of money, but which was thrown back into the water because the finders, who were digging for white diamonds, had no idea of its value.

A SAFE SPECULATION.

If you have an attack of rheumatism and Chamberlain's Pain Balm gets you back to work in a few days, it is not pay for itself several times over? There is no need of suffering from rheumatism for a month or six weeks incurring the expense of a large doctor's bill, when a few applications of this liniment, costing but a small amount, will cure you. For sale by all Dealers and Druggists. Benson, Smith & Co., Ltd., agents for Hawaii.

BOTH HOUSES ARE READY FOR THE ADJOURNMENT

(From Saturday's Advertiser.)

Both branches of the legislature practically completed the work of the extra session yesterday, making the best time on record in Hawaii so far. And the last day of initiative work, properly speaking, was marked in either House by an important killing. The Senate, in the first place, killed by a tie vote the Bishop bill which has become known as the "anchor to windward" because it was an attempt to provide funds for the use of the Territory in the event of the failure of the County Act. It was a precautionary measure, pure and simple, and very wise. But the Senators were not seeking wisdom in statesmanship, nor in a mood for precautions. They just hoisted their little parasol and leaped out over the precipice.

The House killed, finally, the bill making appropriation for the maintenance of the Territorial militia. Carl Smith of Hawaii did it. Perhaps the bill would have gone through had not Smith got wise to a job of the Oahu men to tack onto it a section appropriating something like \$30,000 for the band. Smith was willing to help the militia, but Hawaii and the outer islands would not stand for the band. And so, before the fathers of the scheme had time to move the addition of the band item to the bill, Smith arose and moved indefinite postponement—and it carried. The Oahu men said, yesterday, that they would not try to call the thing up on reconsideration. So the hope of the militia flickers out.

THE SENATE.

The Senate had adjourned yesterday when a committee from the House appeared at the door with a notification that that body was ready to adjourn without day. Nothing could come of it, then.

The session opened with the usual routine notifications from the House relative to its action on Thursday upon various measures.

House concurrent resolution increasing the pay of teachers drawing salaries of less than \$75 per month, passed. From the Judiciary Committee Achi reported in favor of laying the Governor's message appointing inspectors of election on the table, as it was an injustice to the Republican party to confirm the appointments. Lane did not concur in the report, and asked that the majority report be laid on the table until he had a chance to report. His motion to that effect carried.

The order of the day came on the third reading of Senate Bill 10, the Bishop "anchor to windward" bill, making appropriations to serve in case the County Act should be declared invalid. There was no break whatever in the reading, the clerk being permitted to go ahead with the bill as it came from the introducer. A motion to refer to the Revision Committee failed, as did a motion of Dickey to strike out the appropriation for the band.

The vote came on the passage of the bill, and it resulted in a tie, as follows, losing the bill:

Ayes—Achi, Dickey, Bishop, Dowsett, Gandall, Isenberg, McCandless—7.

Noes—Brown, Hayselden, Hewitt, Kalamia, Lane, Paris, Wilcox, Woods—7.

After the announcement of the vote, absent, Wilcox, the Senate adjourned until 10 o'clock today.

THE HOUSE.

If brevity is the soul of wit, then the sitting of the House of Representatives yesterday morning was the witliest of the present session of the Legislature.

After the usual routine there were two things on the order paper, the first being Harris's bill to appropriate \$2000 for the expense of the Lahaina riot, and the second the same member's bill to appropriate \$10,000 for the support of the militia of the Territory.

Harris was resigned to the deferring of the consideration of the third reading of the former, but a brief fight was put up for the militia's \$10,000. Smith moved to indefinitely postpone, and the motion prevailed on the following division:

Ayes—Cochlo, Copp, Cox, Fernandez, Kaleiopi, Kaniho, Lewis, Long, Nakuina, Pali, Sheldon, Shipman, Smith—14.

Noes—Andrade, Aylett, Broad, Harris, Kalawala, Kaline, Lilikalani, Mahelona, Mahikoa, Quinn, Waterhouse—11.

Absent—Greenwell, Holstein, Pulan, Rice.

Not voting—Speaker Knudsen.

The Speaker appointed Cochlo, Cox, Quinn, Mahikoa and Fernandez a committee to wait on the Senate and the Governor to inform them that the House had completed its work and was prepared to adjourn sine die, but the committee returned with the information that the Senate had adjourned for the day. The Governor sent word that he was preparing a message on some House bills, so the House, upon this, took an adjournment until 10 o'clock this morning.

OFFICERS OF THE BOARD

(From Saturday's Advertiser.)

At the second session of the annual meeting of the Hawaiian Board of Missions, held yesterday afternoon, officers were elected for the ensuing year, as follows:

President, P. C. Jones; vice-president, W. W. Hall; recording secretary, Rev. W. D. Westervelt; auditor, F. C. Atherton.

A number of committees were organized, and superintendents of work by nationalities appointed, over whom Dr. Scudder, the secretary, was appointed as general superintendent. The committees for the year were appointed as follows:

On Hawaiian Work: Sereno E. Bishop, chairman; Frank K. Archer, Oramel H. Gulick, John L. Hopwood, Peter C. Jones, James A. Rath, Wm. D. Westervelt.

On English and Portuguese Work: Wm. A. Bowen, chairman; Frank C. Atherton, Wm. R. Castle, A. Frank Cooke, Antonio V. Soares, Edward B. Turner, Wm. D. Westervelt.

On Japanese Work: Wm. W. Hall, chairman; Wm. D. Alexander, Charles H. Atherton, Charles M. Cooke, Oramel H. Gulick, Perley L. Horne, Wm. M. Kincaid.

On Chinese Work: F. J. Lowrey, chairman; Geo. P. Castle, Samuel K. Kanakani, Arthur M. Merrill, Edward W. Thwing, Edward B. Turner, Wm. L. Whitney.

On Educational Work and Publications: Hiram Bingham, chairman; David Al. Wm. R. Castle, Perley L. Horne, Theodore Richards, Edward S. Timoteo.

On Finance: Theodore Richards, chairman; Charles M. Cooke, Peter C. Jones, Frederick J. Lowrey, Wm. O. Smith.

Rev. O. H. Gulick was appointed superintendent of the Hawaiian and Japanese work, and Rev. E. W. Thwing of the Chinese work. Agents for the board were appointed as follows:

Kona, Rev. A. S. Baker; Kohala, Rev. A. Buchanan; Maui and Mo'ohai, Rev. O. P. Emerson; Kauai, J. M. Lygate; Oahu, Rev. W. D. Westervelt; East Hawaii, C. W. Hill; Hilo, Curtis E. Shields.

TO HONOR OLD GLORY

The school children of Hawaii are to have a flag day, and so be put in line with the children of the entire country in the important matter of an effective lesson in patriotism.

The following circular letter was sent out by Superintendent of Public Instruction Davis yesterday to the principals of all the schools of the Islands:

"Dear Sir:—June 14th being the 128th anniversary of the adoption of the stars and stripes as the flag of the United States, the Department of Public Instruction of this Territory respectfully requests that the day be observed with appropriate exercises. The Department suggests the following programme:

Salutation of the flag.

Song, "America," by the school.

Address, "History of the flag," by the principal.

Song, "Star spangled banner," by the school.

Recitation, "The American flag," by pupils.

Song, "Battle hymn of the Republic," by the school.

"This is simply suggestive; each principal is at liberty to make his own program. This program will form a part of the regular school work of the day."

(Signed.) JAMES C. DAVIS, Superintendent of Public Instruction.

"We figure that this program will take up half a day," said Superintendent Davis. "You see, the notices are very short, now. After awhile, for we propose to make the observance of this day an annual school event, we will give an entire day to it, and make the celebration much more elaborate."

The flag day celebration grew out of a circular mailed to Governor Carter by the American Flag Association, and by him turned over to the Superintendent of the day in the schools. For the past eight years the Flag Association has sought to have this anniversary of the adoption of the flag observed by the school children of the country as a most effective lesson in patriotism, and one by one the states and Territories have taken the matter up. The anniversary, this year, will be observed all over the mainland, on Hawaii, in Porto

Rico and in the Philippines. Even Guam will take part, and Tutuila, in far Samoa, and Alaska in the frozen north.

In addition to the observance in the schools, the Association suggests that the flag be flown on all public buildings. Governor Carter will see to that. It had been thought, at first, that the flag holiday here would be called for Kahalameha Day, which is a holiday, but second thought suggested that the original date would be better, in the interest of uniformity.

"Almost every schoolhouse in the Territory has a flag pole and a flag," said Superintendent Davis, "and from every flagpole the stars and stripes will fly on June 14th."

GOVERNOR ENDORSED

(From Sunday's Advertiser.)

"Be it resolved, by the Republican county committee of the county of Oahu, in meeting assembled, that representing the Republican party of the county of Oahu, we deplore the fact that the Republican County Convention of the Island of Oahu failed to endorse the energetic and wise policy of President Roosevelt, the recognized head of the National Republican party and of our Republican Governor, George R. Carter, (the President's representative in Hawaii), who has assisted in every way possible to give this Territory an honest, economical and efficient administration, reflecting credit on the Republican party;

"And, as the duly elected representatives of the Republican party of the County of Oahu, we hereby, on behalf of the party, endorse not only the administration President Roosevelt, but the administration of Governor George R. Carter, and heartily pledge our support to that administration, recognizing George R. Carter to be the head of the Republican party of the Territory of Hawaii."

That sweeping resolution was passed at the first meeting of the county committee of the county of Oahu chosen at the Republican county convention, which convention failed to endorse the administration of President Roosevelt and of Governor Carter—and which then nominated for the first place on the county ticket a man who boasts that he made his fight as an anti-administration man. What Arthur Brown, Republican and anti-administration candidate for Sheriff will do now, remains to be seen. It is his move. But it is well to bear in mind that he would not have been nominated for Sheriff, at least on the first ballot, if every delegate in the convention had voted.

The passage of the resolution is pretty conclusive evidence, at all events, that the administration men in the Republican party have not laid down, and do not intend to permit themselves to be walked upon, notwithstanding the fact that they were out-generalized in the convention. In fact, the administration men are on top. And, as has been said, the move is up to the anti-administration man. That resolution forms, in effect, a part of the county platform of the party. It is stated in the resolution itself to be passed to cover a matter neglected in the County Convention.

There was a full attendance at the Republican Headquarters on Fort street when the committee was called to order last night. The first business, of course, was organization, and it was effected speedily. Lorin Andrews was chosen chairman, Judge Hookano, vice chairman; Zeb. Lyon, secretary; and John Waterhouse, treasurer.

It was agreed to select an executive committee to meet every night, the Secretary keeping the rooms open at all times, so that a vigorous campaign would be commenced at once and continued until the date of the county election. Chairman Andrews announced that he would select this executive committee between now and the next meeting. The chairman, the secretary and the treasurer, however, are members of it ex officio.

The county committee will meet every Wednesday and Saturday night from now until the election. This was agreed upon after several expressions of opinion to the effect that the time was short and it was necessary to conduct a vigorous campaign. It was also determined to have a special meeting next Monday night, when the candidates nominated on the county ticket will be called upon to confer with the committee.

And then, after all the business of organization had been finished, E. R. Adams, candidate for Supervisor from Honolulu, arose and offered the resolution endorsing the administration of President Roosevelt and of Governor Carter. He moved its adoption, it was seconded, and the resolution carried without opposition.

After it had been passed, W. C. Roe arose and said he wanted expressions of opinion upon the administration of Governor Carter. But nobody else did, apparently, and the matter was not reopened. And then the committee adjourned, to meet next Monday night.

Besides having no "unpaid bill" against the Government, John Cassidy has no use for a political tutor. Mr. Cassidy is one of the oldest electricians of Honolulu and therefore a "disciple of Tesla"—as was written about him for yesterday's issue, but unfortunately not so printed.

NAONE WAS BRIGHT BOY

(From Saturday's Advertiser.)

Thirteen witnesses in rebuttal of the theory of insanity in the Naone murder case were subpoenaed by Attorney General Andrews for attendance yesterday. Ten of these and one other had their examinations concluded before Judge De Bolt, at the usual closing hour, continued the trial until 10 o'clock Monday morning.

Dr. Hodgkins, on cross-examination, had put to him the prosecution's hypothetical question. His answer was that he still considered Naone insane. The question was largely based on the evidence of Miss Mitchell showing defendant's infatuation for her, his consequent jealousy on her account, and his declaration of intention to get rid of his wife.

Dr. W. H. Mays was the last witness for the defense. He had no doubt of Naone's insanity and he repudiated Dr. W. A. Hammond, former surgeon general of the U. S. army, as an authority on insanity.

Miss McIntyre, Mrs. Antone Rosa, Miss Anna Sorenson, Mrs. Brown and Miss Brickwood, Royal school teachers, all testified to the effect that Naone at school was fairly intelligent. None of them knew of his having been subject to fits.

Rev. H. H. Parker, pastor of Kawaiaho church, told of Naone's attendance for years at his church and Sunday school. He had conversed with him a few days before the killing of his wife, when he appeared to be of sound mind. "He seemed to me like a sane person," was the concluding answer of Mr. Parker, the question covering his entire acquaintance with the defendant.

"No cross-examination," Mr. Dunne said.

J. M. Monsarrat, attorney, employed Naone in his office doing clerical work and typewriting from September 1901 to January 1902. His work was satisfactory and attendance regular. An objection was made to evidence that defendant left employ of witness voluntarily, but overruled on the prosecution's claim that it rebutted the evidence of Naone's mother where she said defendant lost one situation after another on account of his subject to fits. Naone, witness said, left him to become a clerk in the U. S. quarantine office.

Geo. P. Castle related that defendant was in his Sunday school class, first in 1893 and somewhat irregular in attendance, witness thought because he belonged to another class, but from some time in 1896 he attended very regularly until 1901. "He was always a splendid fellow in my Sunday school class—intelligent," witness said in extension of an answer. Asked as to his general appearance, witness said defendant was always neat in dress and appeared all right mentally—in fact witness was surprised when he saw in the papers that Naone's sanity was questioned. To him he seemed perfectly logical of mind.

"No cross-examination" was again the word.

Attorney Stewart employed defendant in his office for a time in 1899-1900. When Naone began doing guard duty in the quarantine prison his habits changed and witness discharged him. Evidence as to the habits in question was disallowed. It was not for sickness or fits that he discharged Naone. In all the witness's acquaintance with him he never showed any sign of mental deterioration.

Henry van Glesen, policeman, testified as a schoolmate of Naone that he never knew him as a boy of mental incapacity.

The prosecution does not expect to get through with its rebuttal on Monday. This was given out in response to a suggestion by Judge De Bolt that counsel might devote part of the holiday on Tuesday to arranging instructions with the court.

INSURANCE MONEY CLAIM.

In the suit of Kaneohe Ranch Co. vs. L. Ahlo, with Royal Insurance Co., garnishee, a claim has been entered by M. S. Grinbaum & Co., Ltd., of a lien on all moneys owing L. Ahlo by the Royal Insurance Co. The net amount due under the insurance case judgment is \$2721.25. An answer is filed by the garnishee admitting the judgment debt as just stated, saying that \$31.25 attorneys' fees and \$8 court costs are claimed out of it and setting up the Grinbaum claim of lien. A power of attorney is attached to both documents, in which Ahlo authorizes the Grinbaum company to collect his insurance money and out of it pay his indebtedness to M. S. Grinbaum & Co., Ltd., M. Phillips & Co., Hoffschlaeger Co., Ltd., and von Hamm-Young Co., Ltd., rendering the balance to Ahlo.

FIRST LAND TITLE APPEAL.

The first appeal to be taken from a decision of the Court of Land Registration has been entered. It is against the decree of a title to Emili Klemme for land at Alapai and Hotel streets.

COURT NOTES.

The Territory of Hawaii, by Land Commissioner Pratt and Deputy Attorney General Prosser, discontinues its action on contract against L. Ahlo.

Evidence for defendant is being taken before Judge Lindsay and a jury in the ejectment case of Dowsett Co., Ltd., vs. Malie Kaahu. The trial will be resumed at 10:30 on Monday.

Judge Lindsay will hold a divorce court this morning.

Besides being fined \$100 in court, the Pioneer plantation luna whose beating of a Japanese caused the strike has been discharged. The offense of the other luna, who was fined \$50, was that of conducting a lottery. It is said he used coercion to get laborers into his game.